

Accordingly, Applicants traverse the restriction requirement.

Applicants expressly reserve the right under 35 USC §121 to file a divisional application directed to the non-elected subject matter or any subject matter disclosed in this application during the pendency of this application.

Species Election Requirement

The Office Action required election of one of:

- a) trkA;
- b) trkB; and
- c) trkC.

Applicants elect (b) (trkB), with traverse.

As set forth in 37 C.F.R. §1.146 and MPEP §808.01(a), an election of species requirement is proper where an application contains claims to more than a reasonable number of species, and where there would be a serious burden on the examiner if restriction were not required.

It is Applicants' position that the number of species set forth in the Office Action is not unreasonable, and that it would not be a serious burden on the examiner to perform a search on each of the species.


Group I claims (claims 7-15) were elected for prosecution on the merits. All of the elected claims read on the elected species.

II. CONCLUSION

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number UCSD-305CON4.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: April 27, 2007

By: 

Paula A. Borden
Registration No. 42,344

BOZICEVIC, FIELD & FRANCIS LLP
1900 University Avenue, Suite 200
East Palo Alto, California 94303
Telephone: (650) 327-3400
Facsimile: (650) 327-3231